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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/710,591 | 07/22/2004 | Michael Frank Ferre | 718259.5 | 4590 |
| 27128 | 7590 | 12/14/2005 | EXAMINER | |
| BLACKWELL SANDERS PEPER MARTIN LLP | | | MAH, CHUCK Y | |
| 720 OLIVE STREET | | | ART UNIT | |
| SUITE 2400 | | | PAPER NUMBER | |
| ST. LOUIS, MO 63101 | | | 3677 | |

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/710,591 | FERRE ET AL. | |
| | Examiner | Art Unit | |
| | Chuck Mah | 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-10, and 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In both claims 7 and 8, it cannot be understood what "said bore forming through bores" is referring to, structurally.

In both claims 9 and 10, it cannot be understood what is being defined as "a threaded length" or "one screw diameter". Further, claims 9 and 10 are vague and indefinite since "a length" of the bores is being compared to "diameter" of a screw while the screw is not a positive limitation of the claim.

Claim 14 fails to further limit the subject matter of claim 12. Claim 14 replaces "the door frame" in claim 12 with "the door". There is no embodiment showing a hinge attachment device being attached to both the doorframe and the door.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 5, 7, 9, 12 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Collamore (310,033).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6, 8, 10, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collamore '033 in view of Schwarz, II (4,553,286).

'033 discloses the invention as claimed but for a plurality of protuberances projecting from the front face (claim 3). '286 teaches a reinforcement member having a plurality of protuberances (19) for spot-welding the member to a steel frame to receive heavy weight hinge sets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reinforcement member of '003 with a plurality of protuberances as taught by '286 so that the member can be spot welded to the steel frame to receive heavy weight hinge sets. As to the indentations on the back surface of the member, the examiner takes Official Notice that forming spot weld pips (protuberances) on the reinforcement member by punching is well-known and common practice in the

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art. It would have been obvious to one skilled in the art to form the spot weld protuberances by punching a metal sheet. Note that indentation formed on the backside of a weld pip is a mere by-product of the punching process forming the pips.

As to claim 11, '003 does not show a cover covering each of the bore end. '286 teaches a plate having a plurality of covers (23) to cover the threaded openings to prevent the openings from being filled with flowable materials, such as plaster, cement or other solid flowable materials. It would have been obvious to one of ordinary skill in the art at the time the invention was made to form a plate with covers as taught by '286 to seal the threaded bores of '003 to prevent the threaded bores from being filled with foreign matter. Further, '286 shows a plurality of covers formed in a single plate. However, it would have been obvious to form the covers separately, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

As to claim 14, '286 teaches the reinforcement member can be used in combination with a door (col. 3, lines 18-21). It would have been obvious to attach the reinforcement member of '003 to a door as taught by '286 for receiving a heavy weight hinge set.

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7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collamore '033 and Schwarz, II '286 as applied to claims above, and further in view of Tyler et al. (5,347,686).

Collamore '033 and Schwarz, II '286 do not show a witness mark. '686 teaches forming witness marks (13) in the front surface to identify mounting holes positioning of a regular hinge or a heavy weight hinge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reinforcement member of '033 with witness marks as taught by '686, so that the member can be readily used with a regular weight hinge or a heavy weight hinge.

8. Claims 1-10 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler et al. '686 in view of Collamore '033.

'686 discloses the invention as claimed but for a plurality of projections on the back surface of the reinforcement member. '033 teaches a plurality of projections with threaded bore to enhance adjustability of a hinge plate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reinforcement member of '686 with the projections as taught by '033 to enhance the adjustability of the hinge plate.

As to the indentations on the back surface of the member (claim 3), the examiner takes Official Notice that forming spot weld pips (protuberances) on the reinforcement member by punching is well-known and common practice in the art. It would have been obvious to one skilled in the art to form the spot weld

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protuberances of '686 by punching a metal sheet. Note that indentation formed on the backside of a weld pip is a mere by-product of the punching process forming the pips.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tyler et al. '686 and Collamore '033 as applied to claims above, and further in view of Mason (2,791,239).

Both '686 and '033 do not show a cover for each of the threaded bores. '239 teaches a dust cap (25) to preclude accumulation of foreign matter within the threaded bore and the screw. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a dust cap as taught by '239 to each threaded bore and the screw therein, to preclude accumulation of foreign matter.

Conclusion

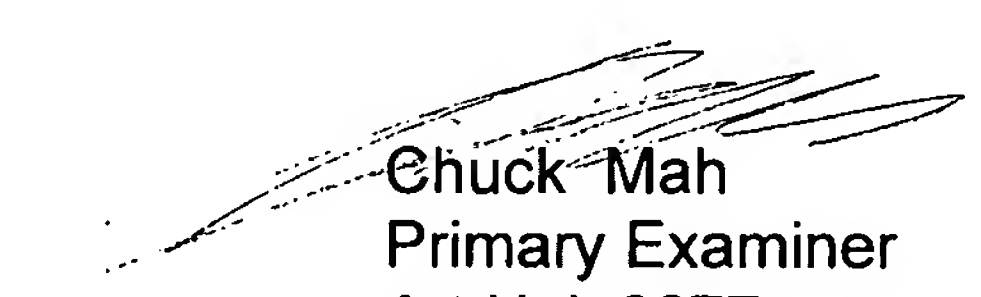
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah
Primary Examiner
Art Unit 3677

CM